

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24555 of 2017

Arising Out of PS.Case No. -149 Year- 2015 Thana -SALIMPUR District- PATNA

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1. Kamlesh Rajak Son of Late Binod Rajak, Resident of Village- Madhra,
P.S.- Deepnagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
Mr. Shyam Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-06-2017 Heard the parties.

The petitioner seeks regular bail in connection with Salimpur P.S.Case No.149 of 2015 registered for offences punishable under Sections 414 of the Indian Penal Code and Section 25(1-b) of Arms Act.

The petitioner is not named in the F.I.R. and later on during the course of investigation, the name of the petitioner has transpired.

It is submitted on behalf of the petitioner that except confessional statement of the co-accused, from whose possession a country-made pistol and cartridges have been recovered, there is nothing against petitioner and there is no recovery from the possessions of the petitioner. In this case, he has been made accused only because he is accused in other cases also, however,



the petitioner undertakes to abide by any condition imposed upon him. The petitioner is in custody for more than six months.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Sub Judge-IV-cum-A.C.J.M., Barh in connection with Salimpur P.S.Case No.149 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a close relative having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.
- (iv) If in future, his active participation is found in similar type of cases, his bail bond shall automatically be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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